

REMARKS

This Amendment is being filed in response to the Office Action mailed December 21, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-15 remain in this application, where claims 13-15 have been added by the present amendment.

By means of the present amendment, the specification has been amended for better conformance with the drawings.

By means of the present amendment, claims 1-12 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. Such amendments to claims 1-12 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner indicated that the information disclosure statement (IDS) filed April 7, 2006 fails to

comply with 37 CFR 1.98(a)(2) for not supplying a copy of WO 81/01507 and EP 1256316 the following two non-patent publication:

an article having a title that begins with "Effects of Placement and Orientation ..." by Bouten et al., GB, Vol 35, No. 1 1997, PP 50-56, XP00643309;" and

an article having a title that begins with "A Triaxial Accelerometer and Portable Data Processing Unit ..." by Bouten et al. which is also used in rejecting the claims and thus has been considered. In response legible copies of WO 81/01507, EP 1256316 and the two articles are enclosed. Accordingly, consideration of WO 81/01507, EP 1256316 and the remaining article are respectfully requested.

In the Office Action, the Examiner suggested adding headings to the specification. Applicants gratefully acknowledge the Examiner's suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification.

In the Office Action, the Examiner objected to claims 1 and 5 for certain informalities. In response, claims 1 and 5 have been

amended to remove the informalities the Examiner. Accordingly, withdrawal of the objection to claims 1 and 5 is respectfully requested.

In the Office Action, claims 7-9 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the Examiner, and in the interest of advancing prosecution, claims 7-9 have been amended to remove the alleged informality noted by the Examiner. It is respectfully submitted that the rejection of claims 7-9 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-2 and 5-6 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,201,476 (Depeursinge). Further, claims 1-2, 5-6 and 10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over EP 1,256,316 (Damen) in view of an article entitled "A triaxial Accelerometer and Portable Data Processing Unit for the Assessment of Daily Physical Activity" (Bouten). Claims 4 and 12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Damen in view of Bouten and U.S. Patent No. 6,639,537 (Raz). Claims 3 and 11 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable

over Damen in view of Bouten and U.S. Patent No. 5,983,722 (Berther). Claims 7-9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Damen in view of Bouten and U.S. Patent No. 5,976,083 (Richardson). It is respectfully submitted that claims 1-15 are patentable over Depeursinge, Damen, Bouten, Raz, Berther and Richardson for at least the following reasons.

Depeursinge is directed to a device for monitoring the activity of a person. As shown in FIG 1, the Depeursinge monitoring device 1 comprises three accelerometers 2a, 2b and 2c which are connected to summing device 24 through two integrators 3 and 4.

Damen is directed to a portable device including three accelerometers for calculating an activity parameter. As shown in FIG 3, the three accelerometers 14 are connected to an A/D converter 16 through an amplifier 15.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 5 and 15, amongst other patentable elements recites that (illustrative emphasis provided):

outputs of the at least two accelerometers
are directly connected to the adding element to

form the electric signal for processing by the signal processing means.

This feature is nowhere disclosed or suggested in Depeursinge, Damen, and combination thereof. Bouten, Raz, Berther and Richardson are cited to allegedly show other features and do not remedy the deficiencies in Depeursinge and Damen.

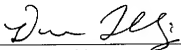
Accordingly, it is respectfully submitted that independent claims 1, 5 and 15 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-4, 6-8, 11-12 and 13-15 should also be allowed at least based on their dependence from amended independent claims 1 and 5.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the

present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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March 17, 2008

Enclosure: copies of WO 81/01507;
EP 1256316;
an article "Effects of Placement and Orientation
..." by Bouten et al. GB, Vol 35, No. 1 1997, PP
50-56, XP00643309;" and
an article "A Triaxial Accelerometer and Portable
Data Processing Unit ..." by Bouten et al.

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